

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) RANDY BLAKE PATTERSON, )  
                                  )  
                                  )  
Plaintiff,                  )  
v.                             )  
                                  ) Case No. CIV-2015-1204-HE  
(1) NATIONAL BOARD OF MEDICAL )  
EXAMINERS,                 )  
                                  )  
Defendant.                 )

**DEFENDANT'S NOTICE OF INTENTION TO  
REQUEST PRODUCTION OF DOCUMENTS FROM  
THE UNIVERSITY OF COLORADO SCHOOL OF MEDICINE**

Pursuant to Fed.R.Civ.P. 45 and L.Cv.R. 45.1(a), Defendant, National Board of Medical Examiners (“NBME”), hereby gives Notice of its intent to serve the attached Subpoena, requesting the production of documents, on the University of Colorado School of Medicine, 13001 E 17<sup>th</sup> Place, Aurora, CO 80045.

DATE: May 3, 2016

Respectfully Submitted,

/s/ Jack S. Dawson  
Jack S. Dawson, OBA No. 2235  
Amy L. Alden, OBA No. 16978  
Andrea R. Rust, OBA No. 30422  
MILLER DOLLARHIDE, P.C.  
210 Park Avenue, Suite 2550  
Oklahoma City, OK 73102  
Telephone: (405) 236-8541

Facsimile: (405) 235-8130  
[jdawson@millerdollarhide.com](mailto:jdawson@millerdollarhide.com)  
[aalden@millerdollarhide.com](mailto:aalden@millerdollarhide.com)  
[arust@millerdollarhide.com](mailto:arust@millerdollarhide.com)  
*Attorneys for Defendant,  
National Board of Medical Examiners*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of May, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based upon the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven E. Clark, OBA No. 1712  
Heather Mitchell, OBA No. 14035  
CLARK & MITCHELL, P.C.  
101 Park Avenue, Suite 210  
Oklahoma City, OK 73102  
Telephone: (405) 235-8488  
Facsimile: (405) 235-7979  
[clark@clarkmitchell.com](mailto:clark@clarkmitchell.com)  
[heather@clarkmitchell.com](mailto:heather@clarkmitchell.com)  
*Attorneys for Plaintiff*

/s/ Jack S. Dawson

**UNITED STATES DISTRICT COURT**  
for the

Western District of Oklahoma

RANDY BLAKE PATTERSON

*Plaintiff*

v.

NATIONAL BOARD OF MEDICAL EXAMINERS

*Defendant*

)  
)  
)  
)  
)

Civil Action No. CIV-2015-1204-HE

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: UNIVERSITY OF COLORADO SCHOOL OF MEDICINE  
13001 E 17th Place, Aurora, CO 80045

(Name of person to whom this subpoena is directed)

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE EXHIBIT A, attached hereto and incorporated herein by reference

Place: LITIGATION SOLUTIONS, 5995 Greenwood Plaza  
Blvd, Suite 160, Greenwood Village, CO 80111 OR to  
MILLER DOLLARHIDE, at the below address or email

Date and Time:

05/24/2016 by 3 p.m.

**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/03/2016

**CLERK OF COURT**

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing (name of party) \_\_\_\_\_

Defendant, National Board of Medical Examiners \_\_\_\_\_, who issues or requests this subpoena, are:

Jack S. Dawson, Esq., Amy L. Alden, Esq., and Andrea R. Rust, Esq., 210 Park Avenue, Suite 2550, Oklahoma City, OK 73102; (405) 236-8541; jdawson@millerdollarhide.com; aalden@millerdollarhide.com; arust@millerdollarhide.com

**Notice to the person who issues or requests this subpoena**

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

## **EXHIBIT A**

### ***I. Instructions and Definitions***

1. The terms “CU”, “you”, and “your” shall mean the University of Colorado School of Medicine and any of their agents, representatives, employees and/or assigns.
2. The term “Plaintiff” or “Dr. Patterson” shall refer to Randy Blake Patterson, NRMP ID #N0213572, AAMC ID #12892037.
3. The terms “and” and “or” shall each refer to “and/or,” whichever use makes the request most inclusive.
4. The term “communication” shall mean any transmission of information from one person or persons to another person or persons, regardless of the medium by which such communication occurred, including by way of example, emails.
5. The term “document” or “documents” shall be construed in the most comprehensive and inclusive sense permitted by the Federal Rules of Civil Procedure and includes but is not limited to, every writing or record of every type and description that is in the possession, custody or control of you, including but not limited to correspondence (interoffice, intra-office or otherwise), communications, letters, memoranda, notices, confirmations, summaries or records of conversations, voice and sound recordings, films, electronic mail, computer data and any other form of electronic, magnetic, or computerized media, telephone recordings and transcriptions, photographs, notebooks, summaries or reports of physicians or consultants, pamphlets, notes from telephone conversations, agreements, reports, memoranda, studies, summaries, minutes, notes, instructions, manuals, any marginal comments or post-it notes appearing on any documents, and all other written, printed, computerized, computer-stored or maintained, or typed information of any nature whatsoever.
6. Included in the definition of “document” or “documents” as used herein are files, file folders, electronic files, electronic file folders, and any other computerized, computer-stored or maintained files or file folders. Accordingly, produce files and file folders together with the documents they contain.
7. The term “concerning,” “relating to,” “reflecting,” and “referring to” shall mean constituting, evidencing, mentioning, describing, pertaining to, responding to, used or relied upon in preparation of or in conjunction with, or being connected in any way, either directly or indirectly.
8. For purposes of these requests, the use of the singular shall be construed as the use of

the plural and *vice versa*; “any” includes “all” and *vice versa*; “each” includes “every” and *vice versa*; and the masculine includes the feminine and *vice versa*.

**II. Requests to Produce Documents**

1. Please produce copies of all documents submitted by Dr. Patterson or on Dr. Patterson’s behalf to your medical school and/or any of your residency or fellowship programs, including but not limited to any and all applications, letters of recommendation, academic transcripts, medical school performance evaluations, examination scores or performance results, including but not limited to the USMLE Step 1, Step 2 CK, and Step 2 CS, and any other supporting documentation provided with any application.
2. Please produce copies of all medical school transcripts submitted by Dr. Patterson or on Dr. Patterson’s behalf to your medical school and/or any of your residency or fellowship programs.
3. Please produce copies of all documents concerning any and all evaluations of Dr. Patterson’s applications submitted to your medical school and/or any of your residency or fellowship programs, including but not limited to Dr. Patterson’s ranking by your medical school and/or any residency or fellowship program.
4. Please produce copies of all documents and communications concerning your acceptance and/or decision not to accept Dr. Patterson to your medical school and/or any of your residency or fellowship programs.
5. Please produce copies of all documents reflecting Dr. Patterson’s scores or performance on any examinations, including but not limited to the USMLE Step 1, Step 2 CK, and Step 2 CS examinations.
6. Please produce copies of all communications between you and Dr. Patterson or anyone acting on Dr. Patterson’s behalf regarding his application to your medical school and/or any of your residency or fellowship programs.
7. Please produce copies of all documents and communications relating to any meetings or conversations discussing your evaluation of any application submitted by Dr. Patterson to your medical school and/or any of your residency or fellowship programs.
8. Please produce copies of all documents and communications relating to any interviews conducted with Dr. Patterson regarding any application submitted by Dr. Patterson to your medical school and/or any of your residency or fellowship programs.

9. Please produce copies of all documents that refer or relate to Dr. Patterson's schedule for taking or the scheduling of any USMLE examination, including but not limited to the USMLE Step 1, Step 2 CK, and Step 2 CS examinations, or that refer or relate to his experience while taking any of the above-referenced USMLE examinations.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) RANDY BLAKE PATTERSON, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
v.                             )  
                                ) Case No. CIV-2015-1204-HE  
(1) NATIONAL BOARD OF MEDICAL )  
EXAMINERS,                 )  
                                )  
Defendant.                 )

**DECLARATION OF AUTHENTICITY**

I (name) \_\_\_\_\_, hereby declare that I am the (title) \_\_\_\_\_, for The University of Colorado School of Medicine (“CU”), and that, in that position, I am duly authorized and qualified to make the declarations contained herein.

1. CU has produced copies of the following records (the “Records”) in response to a third-party Subpoena that CU received in connection with the above-captioned lawsuit:

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

(Attach additional pages if necessary)

2. The copies of the Records that CU has produced in response to the Subpoena constitute full, complete, true and correct copies of the Records as maintained by CU.

3. The Records were prepared by CU in the regular course of business at or near the time of the acts, conditions, events or occurrences described in the Records by a person with knowledge or based upon information transmitted by persons knowledgeable of those matters.
4. The Records were kept in the course of CU's regularly conducted business activities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, at (City) \_\_\_\_\_,  
(State) \_\_\_\_\_.

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

Title: \_\_\_\_\_